

# HB5878



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB5878

by Rep. Jim Sacia

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/16-105

from Ch. 95 1/2, par. 16-105

Amends the Illinois Vehicle Code. In provisions concerning payment and disposition of fines and penalties recovered under Chapters 11 through 16 of the Code, provides instead that those provisions apply to payment and disposition of fines and penalties recovered under Chapters 3 through 18d of the Code. Provides that if a violation is prosecuted by the authorities of the county, any fines or penalties recovered shall be disbursed pursuant to Supreme Court Rule 529 (instead of paid to the county treasurer). Provides that if a violator was arrested by the State Police, the State Police's portion of the fine shall be deposited into the State Police Vehicle Fund, except as otherwise specified.

LRB095 19988 WGH 46422 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Section 16-105 as follows:

6 (625 ILCS 5/16-105) (from Ch. 95 1/2, par. 16-105)

7 Sec. 16-105. Disposition of fines and forfeitures.

8 (a) Except as provided in Section 16-104a of this Act and  
9 except for those amounts required to be paid into the Traffic  
10 and Criminal Conviction Surcharge Fund in the State Treasury  
11 pursuant to Section 9.1 of the Illinois Police Training Act and  
12 Section 5-9-1 of the Unified Code of Corrections and except  
13 those amounts subject to disbursement by the circuit clerk  
14 under Section 27.5 of the Clerks of Courts Act, fines and  
15 penalties recovered under the provisions of Chapters 3 ~~11~~  
16 through 18d ~~16~~ inclusive of this Code shall be paid and used as  
17 follows:

18 1. For offenses committed upon a highway within the  
19 limits of a city, village, or incorporated town or under  
20 the jurisdiction of any park district, to the treasurer of  
21 the particular city, village, incorporated town or park  
22 district, if the violator was arrested by the authorities  
23 of the city, village, incorporated town or park district,

1 provided the police officers and officials of cities,  
2 villages, incorporated towns and park districts shall  
3 seasonably prosecute for all fines and penalties under this  
4 Code. If the violation is prosecuted by the authorities of  
5 the county, any fines or penalties recovered shall be  
6 disbursed pursuant to Supreme Court Rule 529 ~~paid to the~~  
7 ~~county treasurer~~. Provided further that if the violator was  
8 arrested by the State Police, the State Police's portion of  
9 the fine shall be deposited into the State Police Vehicle  
10 Fund except that fines and penalties recovered under the  
11 provisions of paragraph (a) of Section 15-113 of this Code  
12 or paragraph (e) of Section 15-316 of this Code shall be  
13 paid over to the Department of State Police which shall  
14 thereupon remit the amount of the fines and penalties so  
15 received to the State Treasurer who shall deposit the  
16 amount so remitted in the special fund in the State  
17 treasury known as the Road Fund except that if the  
18 violation is prosecuted by the State's Attorney, 10% of the  
19 fine or penalty recovered shall be paid to the State's  
20 Attorney as a fee of his office and the balance shall be  
21 paid over to the Department of State Police for remittance  
22 to and deposit by the State Treasurer as hereinabove  
23 provided.

24 2. Except as provided in paragraph 4, for offenses  
25 committed upon any highway outside the limits of a city,  
26 village, incorporated town or park district, to the county

1 treasurer of the county where the offense was committed  
2 except if such offense was committed on a highway  
3 maintained by or under the supervision of a township,  
4 township district, or a road district to the Treasurer  
5 thereof for deposit in the road and bridge fund of such  
6 township or other district; Provided, that fines and  
7 penalties recovered under the provisions of paragraph (a)  
8 of Section 15-113, paragraph (d) of Section 3-401, or  
9 paragraph (e) of Section 15-316 of this Code shall be paid  
10 over to the Department of State Police which shall  
11 thereupon remit the amount of the fines and penalties so  
12 received to the State Treasurer who shall deposit the  
13 amount so remitted in the special fund in the State  
14 treasury known as the Road Fund except that if the  
15 violation is prosecuted by the State's Attorney, 10% of the  
16 fine or penalty recovered shall be paid to the State's  
17 Attorney as a fee of his office and the balance shall be  
18 paid over to the Department of State Police for remittance  
19 to and deposit by the State Treasurer as hereinabove  
20 provided.

21 3. Notwithstanding subsections 1 and 2 of this  
22 paragraph, for violations of overweight and overload  
23 limits found in Sections 15-101 through 15-203 of this  
24 Code, which are committed upon the highways belonging to  
25 the Illinois State Toll Highway Authority, fines and  
26 penalties shall be paid over to the Illinois State Toll

1 Highway Authority for deposit with the State Treasurer into  
2 that special fund known as the Illinois State Toll Highway  
3 Authority Fund, except that if the violation is prosecuted  
4 by the State's Attorney, 10% of the fine or penalty  
5 recovered shall be paid to the State's Attorney as a fee of  
6 his office and the balance shall be paid over to the  
7 Illinois State Toll Highway Authority for remittance to and  
8 deposit by the State Treasurer as hereinabove provided.

9 4. With regard to violations of overweight and overload  
10 limits found in Sections 15-101 through 15-203 of this Code  
11 committed by operators of vehicles registered as Special  
12 Hauling Vehicles, for offenses committed upon a highway  
13 within the limits of a city, village, or incorporated town  
14 or under the jurisdiction of any park district, all fines  
15 and penalties shall be paid over or retained as required in  
16 paragraph 1. However, with regard to the above offenses  
17 committed by operators of vehicles registered as Special  
18 Hauling Vehicles upon any highway outside the limits of a  
19 city, village, incorporated town or park district, fines  
20 and penalties shall be paid over or retained by the entity  
21 having jurisdiction over the road or highway upon which the  
22 offense occurred, except that if the violation is  
23 prosecuted by the State's Attorney, 10% of the fine or  
24 penalty recovered shall be paid to the State's Attorney as  
25 a fee of his office.

26 (b) Failure, refusal or neglect on the part of any judicial

1 or other officer or employee receiving or having custody of any  
2 such fine or forfeiture either before or after a deposit with  
3 the proper official as defined in paragraph (a) of this  
4 Section, shall constitute misconduct in office and shall be  
5 grounds for removal therefrom.

6 (Source: P.A. 88-403; 88-476; 88-535; 89-117, eff. 7-7-95.)